

recertified

I certify that the attached is a true and
correct copy of HJR 83, which
was filed of record on 4-11-87
and referred to the committee on:

1987 APR 13 PM 5:45
HOUSE OF REPRESENTATIVES
FILED

MAR 11 1987

County Affairs

Boaty Murray
Chief Clerk of the House

By SPH

4 J.R. No. 83

A JOINT RESOLUTION

1 proposing a constitutional amendment to permit a county to perform
2 work, without compensation, for another governmental entity.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article III of the Texas Constitution is amended
5 by adding Section 52g to read as follows:

6 Sec. 52g. A county may use county equipment, materials, and
7 personnel to perform work, without compensation, for another
8 governmental entity if:

9 (1) the governmental entity is located wholly or partly
10 within the county or is contiguous to the county;

11 (2) the governing body of the governmental entity files with
12 the commissioners court of the county a written request to have the
13 work performed; and

14 (3) the commissioners court of the county, after a public
15 hearing at which any member of the public may appear and present
16 testimony for or against the performance of the work, by order:

17 (A) finds that the performance of the work would not
18 interfere with the work scheduled to be performed or reasonably
19 expected to be performed for the county; and

20 (B) approves the performance of the work.

21 SECTION 2. This proposed amendment shall be submitted to the
22 voters at an election to be held on November 3, 1987. The ballot
23 shall be printed to provide for voting for or against the
24 proposition: "The constitutional amendment to permit a county to

1 perform work, without compensation, for another governmental
2 entity."

HOUSE COMMITTEE REPORT

1987 MAY -8 AM 10: 23

1st Printing

By Stiles

H.J.R. No. 83

Substitute the following for H.J.R. No. 83:

By Patterson

C.S.H.J.R. No. 83

A JOINT RESOLUTION

1 proposing a constitutional amendment to permit a county to perform
2 work, without compensation, for another governmental entity.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article III of the Texas Constitution is amended
5 by adding Section 52g to read as follows:

6 Sec. 52g. A county may use county equipment and personnel to
7 perform work, without compensation, for another governmental entity
8 if:

9 (1) the governmental entity is located wholly or partly
10 within the county;

11 (2) the governing body of the governmental entity files with
12 the commissioners court of the county a written request to have the
13 work performed; and

14 (3) the commissioners court of the county, at an open
15 meeting held after receiving the request, by order:

16 (A) finds that the performance of the work would not
17 interfere with the work scheduled to be performed or reasonably
18 expected to be performed for the county; and

19 (B) approves or disapproves the performance of the work.

20 SECTION 2. This proposed amendment shall be submitted to the
21 voters at an election to be held on November 3, 1987. The ballot
22 shall be printed to provide for voting for or against the
23 proposition: "The constitutional amendment to permit a county to
24 perform work, without compensation, for another governmental

C.S.H.J.R. No. 83

1 entity."

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

4/21/87
(date)

Sir:

We, your COMMITTEE ON COUNTY AFFAIRS,

to whom was referred H.J.R. 83 have had the same under consideration and beg to report
(measure)
back with the recommendation that it

() do pass, without amendment.
() do pass, with amendment(s).
☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes () no An actuarial analysis was requested. () yes ☒ no

An author's fiscal statement was requested. () yes ☒ no

~~The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.~~

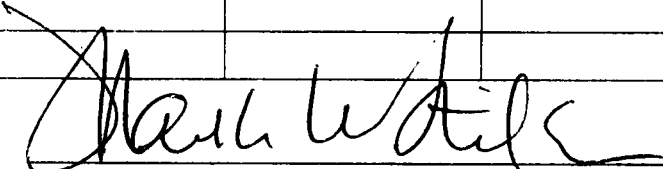

This measure () proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Stiles, Ch.	<input checked="" type="checkbox"/>			
Eckels, V.C.				<input checked="" type="checkbox"/>
Whaley, C.B.O.	<input checked="" type="checkbox"/>			
Campbell				<input checked="" type="checkbox"/>
Carriker				<input checked="" type="checkbox"/>
Edge	<input checked="" type="checkbox"/>			
Finnell	<input checked="" type="checkbox"/>			
Harrison	<input checked="" type="checkbox"/>			
Jones	<input checked="" type="checkbox"/>			
Melton	<input checked="" type="checkbox"/>			
Patterson	<input checked="" type="checkbox"/>			
Robinson	<input checked="" type="checkbox"/>			
Willy	<input checked="" type="checkbox"/>			

Total
10 aye
0 nay
0 present, not voting
3 absent


CHAIRMAN

COMMITTEE COORDINATOR

BILL ANALYSIS

By: STILES

H.J.R. 83

BACKGROUND

Currently, a county cannot perform work without compensation, for another governmental entity.

PURPOSE

H.J.R. 83 would provide for a constitutional amendment to allow a county to perform work for school districts, water districts and/or other governmental entities if the work does not hinder the county's work schedule.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution would not delegate rulemaking authority to any state agency, officer, department, or institution.

SECTION-BY-SECTION ANALYSIS

SECTION 1. Amends Article III of the Texas Constitution by adding Section 52g which allows a county to use county equipment, and personnel to perform work for another governmental entity if:

- (1) The governmental entity is located wholly or partly within the county.
- (2) The entity must file a written request with the commissioners court.
- (3) The request is considered in an opening meeting of the commissioners court.
 - (A) The work must not interfere with the county's work schedule.
 - (B) The performance of the work is approved or disapproved.

SECTION 2. The proposed amendment will be on the November 3, 1987 ballot.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill allowed a county to use its materials on projects for other governmental entities. The substitute does not allow the use of materials. The original also required a public hearing be held to consider a request, but the substitute only requires the request be considered in an open meeting of the commissioners court.

SUMMARY OF COMMITTEE ACTION

H.J.R. 83 was considered in a public hearing on April 7, 1987. Testifying for the bill were Dave Smith, Jr., and Edward

Moore, both representing the Jefferson County Commissioners Court, Beaumont, Texas. No one testified against the bill. Representative Patterson offered a substitute. The bill was left pending before the committee. H.J.R. 83 was considered by the full committee again on April 21, 1987. The motion to adopt the substitute and report H.J.R. 83, as substituted, favorably to the House carried with a vote of 10 Ayes, 0 Nays, 0 PNV, and 3 Absent.

Committee on County Affairs
04/03/87
AEH

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 7, 1987

TO: Honorable Mark W. Stiles, Chair
Committee on County Affairs
House of Representatives
Austin, Texas

In Re: House Joint Resolution
No. 83
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 83 (proposing a constitutional amendment to permit a county to perform work, without compensation, for another governmental entity) this office has determined the following:

The cost of publication of the resolution to the State is estimated to be \$45,000.

The fiscal implications to units of local government cannot be determined.

Source: LBB Staff: JO, HES, JWH, PA

ADOPTED

MAY 25 1987

Betty Murray
Chief Clerk
House of Representatives

By Stiles

H.J.R. No. 83

Substitute the following for H.J.R. No. 83:

By Patterson

C.S.H.J.R. No. 83

A JOINT RESOLUTION

1 proposing a constitutional amendment to permit a county to perform
2 work, without compensation, for another governmental entity.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article III of the Texas Constitution is amended
5 by adding Section 52g to read as follows:

6 Sec. 52g. A county may use county equipment and personnel to
7 perform work, without compensation, for another governmental entity
8 if:

9 (1) the governmental entity is located wholly or partly
10 within the county;

11 (2) the governing body of the governmental entity files with
12 the commissioners court of the county a written request to have the
13 work performed; and

14 (3) the commissioners court of the county, at an open
15 meeting held after receiving the request, by order:

16 (A) finds that the performance of the work would not
17 interfere with the work scheduled to be performed or reasonably
18 expected to be performed for the county; and

19 (B) approves or disapproves the performance of the work.

20 SECTION 2. This proposed amendment shall be submitted to the
21 voters at an election to be held on November 3, 1987. The ballot
22 shall be printed to provide for voting for or against the
23 proposition: "The constitutional amendment to permit a county to
24 perform work, without compensation, for another governmental

C.S.H.J.R. No. 83

1 entity."

HOUSE ENGROSSMENT

By Stiles

H.J.R. No. 83

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12 the commissioners court of the county a written request to have the
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H.J.R. No. 83

1 to perform work, without compensation, for another governmental
2 entity."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 7, 1987

TO: Honorable Mark W. Stiles, Chair
Committee on County Affairs
House of Representatives
Austin, Texas

In Re: House Joint Resolution
No. 83
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 83 (proposing a constitutional amendment to permit a county to perform work, without compensation, for another governmental entity) this office has determined the following:

The cost of publication of the resolution to the State is estimated to be \$45,000.

The fiscal implications to units of local government cannot be determined.

Source: LBB Staff: JO, HES, JWH, PA

AMEND THE CAPTION TO CONFORM
TO THE BODY OF THE BILL

ADOPTED

MAY 30 1987

Paty King
Secretary of the Senate

By: Stiles (Senate Sponsor - Sims) H.J.R. No. 83
(In the Senate - Received from the House May 26, 1987;
May 26, 1987, read first time and referred to Committee on
Intergovernmental Relations; May 29, 1987, reported favorably, as
amended, by the following vote: Yeas 7, Nays 1; May 29, 1987, sent
to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Parmer	x			
Leedom		x		
Anderson	x			
Armbrister	x			
Barrientos	x			
Brown				x
Johnson				x
Sims	x			
Tejeda	x			
Whitmire				x
Zaffirini	x			

COMMITTEE AMENDMENT NO. 1

By: Anderson

Amend H.J.R. 83 as follows:
(1) Between lines 44 and 45 insert the following:
(B) determines, and by written finding states, the
reasonable costs to the county of performing the service;
(2) Renumber the following sections accordingly.

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to permit a county to perform
work, without compensation, for another governmental entity.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III of the Texas Constitution is amended
by adding Section 52g to read as follows:

Sec. 52g. A county may use county equipment and personnel to
perform work, without compensation, for another governmental entity
if:

(1) the governmental entity is located wholly or partly
within the county;

(2) the governing body of the governmental entity files with
the commissioners court of the county a written request to have the
work performed; and

(3) the commissioners court of the county, at an open
meeting held after receiving the request, by order:

(A) finds that the performance of the work would not
interfere with the work scheduled to be performed or reasonably
expected to be performed for the county; and

(B) approves or disapproves the performance of the work.

SECTION 2. This proposed amendment shall be submitted to the
voters at an election to be held on November 3, 1987. The ballot
shall be printed to provide for voting for or against the
proposition: "The constitutional amendment to permit a county
to perform work, without compensation, for another governmental
entity."

* * * * *

Austin, Texas
May 29, 1987

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Intergovernmental Relations to which was
referred H.J.R. No. 83, have had the same under consideration, and
I am instructed to report it back to the Senate with the
recommendation that it do pass, as amended, and be printed.

Parmer, Chairman

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 27, 1987

TO: Honorable Hugh Parmer, Chairman
Committee on Intergovernmental Relations
Senate Chamber
Austin, Texas

In Re: House Joint Resolution
No. 83, as engrossed
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 83, as engrossed (proposing a constitutional amendment to permit a county to perform work, without compensation, for another governmental entity) this office has determined the following:

The cost of publication of the resolution to the State is estimated to be \$45,000.

The fiscal implications to units of local government cannot be determined.

Source: LBB Staff: JO, HES, JWH, BL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 7, 1987

TO: Honorable Mark W. Stiles, Chair
Committee on County Affairs
House of Representatives
Austin, Texas

In Re: House Joint Resolution
No. 83
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 83 (proposing a constitutional amendment to permit a county to perform work, without compensation, for another governmental entity) this office has determined the following:

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SENATE FAVORABLY AS AMENDED COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

5/29/87
(date)/(time)

Sir:

We, your Committee on INTERGOVERNMENTAL RELATIONS to which was referred
HJR 83 by Stiles have on 5/28, 1987, had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

☒ do pass with 1 amendments, and be printed

☐ do pass as amended, and be ordered not printed

☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

Senate Sponsor of House Measure Sims

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Parmer, Chairman	<input checked="" type="checkbox"/>			
Leedom, Vice Chairman		<input checked="" type="checkbox"/>		WILLIAM KIM
Anderson	<input checked="" type="checkbox"/>			
Armbrister	<input checked="" type="checkbox"/>			
Barrientos	<input checked="" type="checkbox"/>			
Brown				<input checked="" type="checkbox"/>
Johnson				<input checked="" type="checkbox"/>
Sims	<input checked="" type="checkbox"/>			
Tejeda	<input checked="" type="checkbox"/>			
Whitmire				<input checked="" type="checkbox"/>
Zaffirini	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>7</u>		<u>0</u>	<u>3</u>

K. H. H.
COMMITTEE CLERK

William P. Hobby
CHAIRMAN

COMMITTEE AMENDMENT NO. _____

BY ANDERSON

Amend H.J.R. 83 as follows:

(1) Between lines 18 and 19 insert the following:

(B) determines, and by written finding states, the reasonable costs to the county of performing the service;

(2) Renumber the following sections accordingly.

ADOPTED

MAY 30 1987

Betty King
Secretary of the Senate

SENATE AMENDMENTS

2nd Printing

By Stiles

H.J.R. No. 83

A JOINT RESOLUTION

proposing a constitutional amendment to permit a county to perform work, without compensation, for another governmental entity.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III of the Texas Constitution is amended by adding Section 52g to read as follows:

Sec. 52g. A county may use county equipment and personnel to perform work, without compensation, for another governmental entity if:

(1) the governmental entity is located wholly or partly within the county;

(2) the governing body of the governmental entity files with the commissioners court of the county a written request to have the work performed; and

(3) the commissioners court of the county, at an open meeting held after receiving the request, by order:

(A) finds that the performance of the work would not interfere with the work scheduled to be performed or reasonably expected to be performed for the county; and

(B) approves or disapproves the performance of the work.

SECTION 2. This proposed amendment shall be submitted to the voters at an election to be held on November 3, 1987. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to permit a county

H.J.R. No. 83

1 to perform work, without compensation, for another governmental
2 entity."

COMMITTEE AMENDMENT NO. _____

BY ANDERSON

Amend H.J.R. 83 as follows:

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ADOPTED

MAY 30 1987

Betty King
Secretary of the Senate

AMEND THE CAPTION TO CONFORM
TO THE BODY OF THE BILL

ADOPTED

MAY 30 1987

Betty King
Secretary of the Senate

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 27, 1987

TO: Honorable Hugh Parmer, Chairman
Committee on Intergovernmental Relations
Senate Chamber
Austin, Texas

In Re: House Joint Resolution
No. 83, as engrossed
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 83, as engrossed (proposing a constitutional amendment to permit a county to perform work, without compensation, for another governmental entity) this office has determined the following:

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Source: LBB Staff: JO, HES, JWH, BL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 7, 1987

TO: Honorable Mark W. Stiles, Chair
Committee on County Affairs
House of Representatives
Austin, Texas

In Re: House Joint Resolution
No. 83
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 83 (proposing a constitutional amendment to permit a county to perform work, without compensation, for another governmental entity) this office has determined the following:

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Source: LBB Staff: JO, HES, JWH, PA

F
ENROLLED
H.J.R. No. 83

A JOINT RESOLUTION

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10 within the county;

11 (2) the governing body of the governmental entity files with
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13 work performed; and

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16 (A) finds that the performance of the work would not
17 interfere with the work scheduled to be performed or reasonably
18 expected to be performed for the county;

19 (B) determines, and by written finding states, the
20 reasonable costs to the county of performing the service; and

21 (C) approves or disapproves the performance of the work.

22 SECTION 2. This proposed amendment shall be submitted to the
23 voters at an election to be held on November 3, 1987. The ballot
24 shall be printed to provide for voting for or against the

H.J.R. No. 83

1 proposition: "The constitutional amendment to permit a county
2 to perform work, without compensation, for another governmental
3 entity."

H.J.R. No. 83

President of the Senate

Speaker of the House

I certify that H.J.R. No. 83 was passed by the House on May 25, 1987, by the following vote: Yeas 131, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.J.R. No. 83 on May 31, 1987, by the following vote: Yeas 139, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 83 was passed by the Senate, with amendments, on May 30, 1987, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State

President of the Senate

Speaker of the House

I certify that H.J.R. No. 83⁽¹⁾ was passed by the House
on May 25⁽²⁾, 1987, by the following vote:
Yeas 131⁽³⁾, Nays 0⁽⁴⁾, 2 present, not voting
and that the House concurred in Senate amendments to H.J.R. No. 83
on May 31⁽⁵⁾, 1987, by the following
vote: Yeas 139⁽⁶⁾, Nays 0⁽⁷⁾, 1 present, not voting

Chief Clerk of the House

**** Preparation: 'A;CT20;

I certify that H.J.R. No. 83⁽¹⁾ was passed by the Senate, with
amendments, on May 30⁽²⁾, 1987, by the following
vote: Yeas 31⁽³⁾, Nays 0⁽⁴⁾

Secretary of the Senate

RECEIVED:

Date

Secretary of State

**** Preparation: 'A;CT22;

H. J. R. No. 83

By Stiles

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to permit a county to perform work, without compensation, for another governmental entity.

MAR 11 1987

1. Filed with the Chief Clerk.

MAR 19 1987

2. Read first time and referred to Committee on

County Affairs

APR 21 1987

3. Reported favorably ~~(as amended)~~ and sent to Printer at

(as substituted)

1:45 pm

MAY 4 1987

MAY 8 1987

4. Printed and distributed at 10:23 am

MAY 11 1987

5. Sent to Committee on Calendars at 11:27 am

MAY 25 1987

6. Read second time ~~(amended)~~ ^{as subs.} and (finally) passed to ~~Third Reading~~ by a Record Vote of 131 yeas, 0 nays, 2 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 25 1987

11. Ordered Engrossed at 8:04 pm

MAY 26 1987

12. Engrossed.

MAY 26 1987

13. Returned to Chief Clerk at 4:57 am

MAY 26 1987

14. Sent to the Senate.

Betty Manning
Chief Clerk of the House

MAY 26 1987

15. Received from the House

MAY 26 1987

16. Read, referred to Committee on INTERGOVERNMENTAL RELATIONS

MAY 28 1987

17. Reported favorably as amended

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 30 1987

20. Regular order of business suspended by unan. consent
(a viva voce vote.)
(_____ yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 30 1987

22. Read second time amended passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 23. Caption ordered amended to conform to body of bill.

MAY 30 1987

24. Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas,
_____ nays to place bill on third reading and final passage.

MAY 30 1987

25. Read third time and passed by

(~~a viva voce vote.~~)
(31 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King

Secretary of the Senate

5-30-87

26. Returned to the House.

MAY 30 1987

27. Received from the Senate (with amendments.)
(~~as substituted.~~)

MAY 31 1987

28. House (Concurred) (~~Referred to Senate~~) in Senate (Amendments) by a (~~Non-Record~~)
(~~Record~~) (Record Vote of 139 yeas, 0 nays, 1 present, not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 31 1987

31. Ordered Enrolled at

6:10 pm

127 11-10-1987
127 11-10-1987

169

83